

Double Patenting Rejection

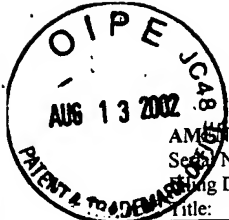
Claims 1-6 were rejected under a non-statutory double patenting rejection, specifically U.S. Patent No. 6,356,435. A Terminal Disclaimer in compliance with 37 CFR 1.321(b)(iv) is enclosed herewith to overcome these rejections.

§102 Rejection of the Claims

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Claims 1-6 were rejected under 35 USC § 102(e) as being anticipated by Behl (US 6,185,097 B1). Applicant does not admit that Behl is prior art and reserves the right to swear behind it at a later date. Nevertheless, Applicant respectfully submits that the claims are patentable over Behl for the reasons argued below.

Claim 1 recites: "the passage is separate from another heat-sensitive component within the computer case." An example of the passage being separate from another heat-sensitive component may be seen in Applicant's Fig. 1 where "the path from inlet holes 4 of the computer case wall 23 to exit holes 2 of the computer case wall 22 defines a passage which the air travels within the cooling assembly 12." *Applicant's specification at page 4, lines 23-24.* In this way, "a significant amount of the air heated by heat sink 40 is exhausted by a path that minimizes heating of other heat-sensitive components." *Applicant's specification at page 4, lines 28-29 and page 5, line 1.*



AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 10/034,110
Filing Date: December 26, 2001
Title: CPU FAN ASSEMBLY

Page 5
Dkt: 450.232US2

In contrast, Behl Fig. 1 shows airflow 22 exiting storage device bays 13 and flowing directly over power supply 12. *Behl at Fig. 1 and column 2, lines 11-29.* Thus, Behl does not teach or suggest a passage "separate from another heat-sensitive component," as recited in claim 1 because air in Behl flows directly from the storage device bay 13 being cooled onto the power supply 12, which is sensitive to heat.

Claims 2-6 are dependent on claim 1 and are patentable over Behl for the reasons argued above.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-371-2103) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

DAVID R. DAVIS ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 371-2103

Date

8/8/2002

By

Owen J. Garmon
Reg. No. 36,143

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 8 day of August, 2002.

Candis B. Buending

Name

Signature

RECEIVED
AUG 22 2002
TECHNOLOGY CENTER 2800

CLEAN VERSION OF PENDING CLAIMS

1. (Twice Amended) A cooling assembly for at least one board, the at least one board suitable for accepting a plurality of components including a first component, the cooling assembly comprising:

a passage;

a fan suitable for passing air through the passage; and

an isolation assembly for generally enclosing heat generated from the first

component, wherein the first component is enclosed within the isolation

assembly, the isolation assembly in communication with the passage,

wherein the isolation assembly is removably attachable to a computer case

without opening the computer case, and wherein the passage is separate

from another heat-sensitive component within the computer case.

2. (Unchanged) The cooling assembly of claim 1, and further comprising an alternate passage in communication with the isolation assembly.

3. (Unchanged) The cooling assembly of claim 2, wherein the alternate passage includes a conduit in communication with the isolation assembly.

4. (Unchanged) The cooling assembly of claim 1, and further comprising a heat sink operably coupled to the first component.

5. (Unchanged) The cooling assembly of claim 1, wherein the plurality of components are enclosed within a case, and the air is drawn from outside the case.

6. (Unchanged) The cooling assembly of claim 1, wherein the plurality of components are enclosed within a case, and the air is drawn from within the case.

32. (New) The cooling assembly of claim 4, wherein the heat sink comprises a passive heat sink.

33. (New) The cooling assembly of claim 1, wherein the isolation assembly is configured to shield the first component from an amount of electromagnetic interference.

34. (New) A cooling assembly for at least one board, the at least one board suitable for accepting a plurality of components including a first component, the cooling assembly comprising:

a passage;

a fan suitable for passing air through the passage; and

an isolation assembly for generally enclosing heat generated from the first

component, wherein the first component is enclosed within the isolation assembly, the isolation assembly in communication with the passage, and wherein the passage is separate from another heat-sensitive component within the computer case.

35. (New) The cooling assembly of claim 34, and further comprising an alternate passage in communication with the isolation assembly.

36. (New) The cooling assembly of claim 35, wherein the alternate passage includes a conduit in communication with the isolation assembly.

37. (New) The cooling assembly of claim 34, and further comprising a heat sink operably coupled to the first component.

38. (New) The cooling assembly of claim 34, wherein the plurality of components are enclosed within a case, and the air is drawn from outside the case.

39. (New) The cooling assembly of claim 34, wherein the plurality of components are enclosed within a case, and the air is drawn from within the case.

Cont
Sub
C1
B2

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/034,110

Filing Date: December 26, 2001

Title: CPU FAN ASSEMBLY

Page 8

Dkt: 450.232US2

*Cond
Sub C1
R12*
40. (New) The cooling assembly of claim 37, wherein the heat sink comprises a passive heat sink.

41. (New) The cooling assembly of claim 34, wherein the isolation assembly is configured to shield the first component from an amount of electromagnetic interference.